

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ADRIAN SCHOOLCRAFT,

Plaintiff, 10-CV-6005 (RWS)

-against-

THE CITY OF NEW YORK, et al.

Defendants

-----X

**CITY DEFENDANTS' NOTICE OF MOTION  
TO PRECLUDE EXPERT TESTIMONY UNDER FEDERAL  
RULES OF EVIDENCE 702, 703, 402, AND 403, AND  
FEDERAL RULES OF CIVIL PROCEDURE 26 AND 37**

**PLEASE TAKE NOTICE** that upon Defendants' City of New York, Deputy Chief Michael Marino, Gerald Nelson, Theodore Lauterborn, William Gough, Frederick Sawyer, Kurt Duncan, Christopher Broschart, Shantel James, and FDNY Lieutenant Elise Hanlon (collectively "City defendants") Memorandum of Law dated September 21, 2015, in support of their motion pursuant to Federal Rules of Evidence 702, 703, 402 and 403, and Federal Rules of Civil Procedure 26 and 37 to Preclude Expert Testimony, and upon all prior pleadings and proceedings had herein, City defendants will move this Court, before the Honorable Robert W. Sweet, United States District Judge, at the United States Courthouse for the Southern District of New York, located at 500 Pearl Street, New York, New York 10007, as soon after October 9, 2015 as counsel may be heard, for an Order, granting preclusion of all or part of the testimony of plaintiff's proffered experts John Eterno, Eli Silverman and Dr. Roy Lubit, and part of the testimony of defendant Jamaica Hospital Medical Center's Expert Dr. Robert Levy, as specified

in the accompanying Memorandum of Law, and such other relief as the Court may find just and proper;

**PLEASE TAKE FURTHER NOTICE** that pursuant to Court Order opposition papers, if any, should be served on the undersigned on or before October 9, 2015; and

Dated: New York, New York  
September 21, 2015

Respectfully submitted,

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By: /s/

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Docket No 10-CV-6005 (RWS)
UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK
ADRIAN SCHOOLCRAFT,  Plaintiff,  -against-  THE CITY OF NEW YORK, et al.,  Defendants.
<b>NOTICE OF MOTION</b>
<b>ZACHARY W. CARTER</b> <i>Corporation Counsel of the City of New York</i> <i>Attorney for City Defendants</i> <i>100 Church Street, Room 3-174</i> <i>New York, New York 10007</i>  <i>Of Counsel: Alan H. Scheiner</i> <i>Tel: (212) 356-2344</i> <i>James Horton</i> <i>Tel: (212) 356-2647</i>
<i>Due and timely service is hereby admitted.</i>  <i>New York, N.Y....., 2014</i>  <i>..... Esq.</i>  <i>Attorney for.....</i>